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And Indirect Purchaser Plaintiffs

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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 In re: CATHODE RAY TUBE (CRT)
15 ANTITRUST LITIGATION.

Master File No. 3:07-cv-5944 JST

MDL No. 1917

16 This Document Relates to:

**DECLARATION OF JOHN D.
BOGDANOV IN SUPPORT OF COOPER
& KIRKHAM, P.C.'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

17 All Indirect-Purchaser Actions

Judge: Honorable Jon S. Tigar

Before: Special Master Martin Quinn, JAMS

[Administrative Motion to Seal and
[Proposed] Order filed concurrently herewith]

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27 DECLARATION OF JOHN D. BOGDANOV IN
28 SUPPORT OF COOPER & KIRKHAM, P.C.'S
ADMINISTRATIVE MOTION TO FILE UNDER
SEAL

Master File No. 3:07-cv-5944 JST
MDL 1917

1 I, John D. Bogdanov, declare as follows:

2 1. I am a member in good standing of the State Bar of California. I am a partner in
3 Cooper & Kirkham, P.C. I have personal knowledge of the facts stated in this Declaration and, if
4 called as a witness, I could and would testify competently to them.

5 2. Pursuant to Civil Local Rules 7-11 and 79-5, I submit this declaration in support of
6 Cooper & Kirkham, P.C.'s Administrative Motion to File Under Seal.

7 3. Cooper & Kirkham seeks permission to file under seal the entirety of Exhibits 1-5
8 and 11, and portions of Exhibits 6-9, attached to the Third Declaration of John D. Bogdanov in
9 Support of Cooper & Kirkham, P.C.'s Objection to Lead Counsel's Revised Proposed Allocation
10 of Aggregate Fee Award to Indirect Purchaser Plaintiffs' Counsel. ("Third Bogdanov
11 Declaration").

12 4. Exhibits 1-3 attached to the Third Bogdanov Declaration contain discussion,
13 analysis, or references to documents or information that has been designated by Lead Counsel for
14 Indirect Purchaser Plaintiffs as "Highly Confidential" pursuant to the terms of the Stipulated
15 Protective Order (Dkt. 306).

16 5. The entirety of Exhibits 4, 5 and 11, and portions of Exhibits 6-9, contain IPPs'
17 highly confidential attorney work product, including attorney mental impressions, strategy and
18 thought processes. Such attorney work product is privileged and is entitled to protection from
19 disclosure to the general public and adverse parties. *Hickman v. Taylor*, 329 U.S. 495, 510-512
20 (1947). The documents therefore qualify as "privileged, protectable as a trade secret or otherwise
21 entitled to protection under the law," under Civil Local Rule 79-5(b).

22 5. The documents C&K seek to file under seal are associated with the allocation of
23 aggregate attorney fees, which has nothing to do with issues that relate to the merits of the case.
24 *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). Therefore, this
25 Court should apply the "good cause" standard in deciding C&K's administrative motion to seal.
26 *Id.* at 1097.

6. A court may, for good cause, keep documents confidential “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.”” *Id.* (quoting Fed. R. Civ. Proc. 26(c)). Revealing IPPs’ confidential attorney work product to the general public and Defendants would be prejudicial to IPPs in any future prosecution of this case and in other cases. *Hickman v. Taylor*, 329 U.S. at 510 (“it is essential that a lawyer work with a certain degree of privacy, free from unnecessary intrusion by opposing parties and their counsel.”) Therefore, there is good cause for protecting IPPs’ confidential work product from disclosure.

8 5. C&K seeks to submit the above material under seal in good faith in order to comply
9 with the Stipulated Protective Order in this action and the applicable Standing Order and Local
10 Rules. Because Exhibits 1-3 to the Third Bogdanov Declaration which C&K seeks to submit
11 under seal have been designated as Highly Confidential by other parties, and because the Exhibits
12 4-9 and 11, concern documents associated with confidential attorney work product and issues that
13 do not relate to the merits of the above-captioned action, C&K is filing the accompanying
14 Administrative Motion, and will be prepared to file unredacted versions of the above-referenced
15 documents in the public record if required by Civil Local Rule 79-5(e).

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct. Executed this 5th day of October, 2016 in San Francisco, California.

/s/ John D. Bogdanov
John D. Bogdanov